

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 04-10164-DPW  
 )  
 SHON ROWELL )

DEFENDANT'S ASSENTED-TO MOTION  
FOR LEAVE TO FILE MOTION TO SUPPRESS LATE

Defendant, Shon Rowell, moves that this Court grant leave to file his Motion to Suppress late. The motion and accompanying memorandum and exhibits has been filed this day.

As support for this Motion, the defendant through counsel states the following:

1. The defendant is charged with being a felon-in-possession of a firearm in violation of 18 U.S.C. 922(g). The defendant faces the possibility of a fifteen year minimum sentence under the Armed Career Criminal Act.

2. Chief Magistrate Judge Bowler set a deadline of April 20, 2005 to file the Motion. Under the local rules and the Magistrate Judge's Order, the government's response would be due May 6, 2005. This Court has set May 6, 2005 for a Pretrial Conference.

3. Undersigned counsel was unable to file the motion before December 21, 2001. The Federal Defender Office generally, and undersigned counsel in particular, has recently been enduring an unusually high caseload as a result of several personnel changes

within the office that have resulted in case reassignments.

Since receiving the order to file the Motion to Suppress, counsel has filed memoranda in and litigated three contested sentencing hearings. Moreover, counsel was out several days with an illness and has only recently returned to work.

4. Defendant does not object to any additional time necessary for the government to respond.

5. This Court has scheduled a Pretrial Conference for May 6, 2005. Undersigned counsel is confident that the Court can set a reliable evidentiary hearing date, as well as a trial date, at this conference. Thus, allowing the defendant to file the Motion to Suppress late will not significantly further delay trial in this matter.

SHON ROWELL,  
By His Attorney:

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May 2, 2005